HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4169 of 2007

Dated:12.03.2007

Between:

Mehdi Ali Khan and others.

…Petitioners.

and

The Agricultural Market Committee, Fruit Market, Gaddiannaram, hyderabad.

…Respondent.

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4169 of 2007

ORDER:

The petitioners claim that they submitted applications and representations to the Agricultural Market Committee, Fruit Market, Gaddiannaram, the respondent herein, with a request to grant licnece under Section 7 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (for short 'the Act'). They complain that no action has been taken on their representations.

When the Writ Petition came up for admission, on 02.03.2007, the learned Standing Counsel sought time to obtain instructions. Since it emerged that the applications of the petitioners were not filed in the prescribed form, it was left open to them to submit applications in accordance with law. It is stated that when the applications in prescribed form were submitted, the respondent is refusing to receive the same and left with no alternative, all of them, forwarded their applications through registered post with acknowledgment due.

Sri Gangaiah Naidu, learned Senior Counsel, submits that the petitioners fulfilled the conditions for grant of licence and there is

absolutely no basis for the respondent in refusing to grant the same.

Sri V.V.Narayan Rao, learned Standing Counsel for the respondent, on the other hand, submits that when the applications in the prescribed form have not yet been received by the respondent, the question of processing them, does not arise.

Section 7 of the Act, mandates that no person shall carry on trade in the notified market areas, without possessing a licence. The Act as well as the Rules made thereunder prescribe the procedure for processing the applications and grant of licences. The applications filed by the petitioners before the writ petition was presented, did not accord with the prescribed form. For this reason, the petitioners have forwarded their applications in the prescribed form, including the demand draft for the stipulated fee. The applications are yet to reach the office of the respondent. Under Rule 48 of the Andhra Pradesh (Agricultural Produce and Livestock) Market Rules, 1969, the Market Committee is placed under obligation to dispose of the application within 45 days.

Therefore, the Writ Petition is disposed of, directing the respondent to process the applications of the petitioners, in accordance with law, as soon as they are received. The action thereon shall be concluded as early as possible and not later than 45 days from the date of receipt of the applications. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.12-03-2007.

GJ